

BIDDER INFORMATION

EXHIBIT "B"

**TRANSPORTATION SECURITY ADMINISTRATION
AND
OFFICE OF DOMESTIC PREPAREDNESS**

CERTIFICATIONS

RE: SECURITY CONTRACTS

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AND

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CERTIFICATIONS

RE: SECURITY CONTRACTS

1. RESTRICTION ON LOBBYING

A. INSTRUCTIONS

1. The Lobbying Disclosure Act, 2 U.S.C., Section 1601 et seq. prohibits the use of federal funds to influence federal employees, Members of Congress, and Congressional staff regarding specific projects. Further, any person or entity who uses non-federal funds for lobbying on behalf of specific projects or proposals must submit disclosure documentation when these efforts are intended to influence the decisions of federal officials. The provisions apply to grants, contracts, and cooperative agreements involving \$100,000.00 or more.
2. Accordingly, a Certification titled "Certification Regarding Lobbying" is below. The Certification applies if the amount of the primary contract or any subcontract equals or exceeds \$100,000.00. The Contractor shall ensure that the Certification is included in every such subcontract and before any such subcontractor commences work on the project.
3. Please note that a bidder's or a subcontractor's failure to furnish a Certification may disqualify that person or firm from participating in the project.
4. The Certification below may be reproduced for compliance with the subcontractor provisions herein.

1 **B. CERTIFICATION REGARDING LOBBYING**

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3 **(Third Party Contracts Over \$100,000).**

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5 **By signing and submitting a bid / proposal for this project, the prospective**
6 **Contractor hereby certifies, to the best of its knowledge and belief, that:**

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8 1. No Federal appropriated funds have been paid or will be paid, by or on
9 behalf of the undersigned, to any person for influencing or attempting to
10 influence an officer or employee of any agency, a Member of Congress, an
11 officer or employee of Congress, or an employee of a Member of
12 Congress in connection with the awarding of any Federal contract, the
13 making of any Federal grant, the making of any Federal loan, the entering
14 into of any cooperative agreement, and the extension, continuation,
15 renewal, amendment, or modification of any Federal contract, grant, loan,
16 or cooperative agreement.
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18 2. If any funds other than Federal appropriated funds have been paid or will
19 be paid to any person for influencing or attempting to influence an officer
20 or employee of any agency, a Member of congress, an officer or employee
21 of Congress, or an employee of a Member of Congress in connection with
22 this Federal contract, grant, loan, or cooperative agreement, the
23 prospective Contractor shall complete and submit Standard Form-LLL,
24 "Disclosure Form to Report Lobbying," in accordance with its instructions
25 [as amended by "Government Wide Guidance For New Restrictions on
26 Lobbying", 61 Fed. Reg. 1413 (1/19/96)].
27
28 3. The prospective Contractor shall require that the language of this
29 certification be included in the award documents for all sub-awards at all
30 tiers (including Sub-Contractors, sub-grants, and contracts under grants,
31 loans, and cooperative agreements) and that all Sub-Contractors shall
32 certify and disclose accordingly.
33

34 This prospective Contractor is a material representation of fact upon which
35 reliance is placed when this transaction was made or entered into. Submission of
36 this certification is a prerequisite for making or entering into this transaction
37 imposed by 31 U.S.C., Section 1352 (as amended by the Lobbying Disclosure Act
38 of 1995). Any person who fails to submit the required certification shall be
39 subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for
40 each such failure.
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42 [Note: Pursuant to 31 U.S.C. Section 1352(c)(1)-(2)(A), any person who makes a
43 prohibited expenditure or fails to file or amend a required certification or
44 disclosure form shall be subject to a civil penalty of not less than \$10,000 and not
45 more than \$100,000 for each such expenditure or failure.]

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The prospective Contractor certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure (if any). In addition, the prospective Contractor understands and agrees that the provisions of 31 U.S.C. A 3801, *et seq.*, apply to this certification and disclosure (if any).

1 **2. GOVERNMENT – WIDE DEBARMENT AND SUSPENSION**

2 **C.**

3 **D. A. INSTRUCTIONS**

- 4
- 5 1. Unless otherwise permitted by law, any person or entity that is debarred,
- 6 suspended or voluntarily excluded may not participate in this federally
- 7 assisted project, either as a participant or as a principal, during the period
- 8 of debarment, suspension, or voluntary exclusion. To meet this
- 9 requirement, a certification process has been established by 49 C.F.R. Part
- 10 29.
- 11
- 12 2. Accordingly, a Contractor Certification titled “Government-Wide
- 13 Debarment and Suspension” is provided below. The Certification applies
- 14 if the bidder intends to utilize multiple subcontracts whose total aggregate
- 15 value exceeds \$100,000.00. For all other contracts, and for all
- 16 subcontractors regardless of contract value, a Subcontractor Certification
- 17 form also titled “Government-Wide Debarment and Suspension”, is
- 18 provided below. The prospective Contractor shall ensure that the latter
- 19 Certification form is included in every project subcontract.
- 20
- 21 3. The inability of a person to provide the required Certification will not
- 22 necessarily result in denial of participation in this project. However, a
- 23 person that is unable to provide a positive Certification must attach a
- 24 complete explanation, as so noted on the Certification.
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- 26 4. The Certification of Subcontractors is provided below and must be
- 27 included by the Contractor in each and every subcontract, and before any
- 28 such subcontractor commences work on the project.
- 29
- 30 5. Please note that a bidder's or a subcontractor's failure to agree to provide a
- 31 Certification (or an explanation) may disqualify that person or firm from
- 32 participating in the project.
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**B. CERTIFICATION OF CONTRACTOR REGARDING DEBARMENT,
SUSPENSION AND OTHER RESPONSIBILITY MATTERS**

(Third Party Contracts Over \$100,000).

1. **By signing and submitting a bid / proposal, for this project, the prospective Contractor is providing the certification set out below.**
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective Contractor knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the State may pursue available remedies, including suspension and/or debarment.
3. The prospective Contractor shall provide immediate written notice to the State if at any time the prospective Contractor learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "persons," "lower tier covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549 [49 CFR Part 29]. You may contact the State for assistance in obtaining a copy of those regulations.
5. The prospective Contractor agrees by submitting this bid/proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized in writing by the State.
6. The prospective Contractor further agrees by submitting this bid/proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction", without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A

1 participant may decide the method and frequency by which it determines
2 the eligibility of its principals. Each participant may, but is not required
3 to, check the Nonprocurement List issued by U.S. General Service
4 Administration.

5 8. Nothing contained in the foregoing shall be construed to require
6 establishment of system of records in order to render in good faith the
7 certification required by this clause. The knowledge and information of a
8 participant is not required to exceed that which is normally possessed by a
9 prudent person in the ordinary course of business dealings.

10 9. Except for transactions authorized under Paragraph 5 of these instructions,
11 if a participant in a covered transaction knowingly enters into a lower tier
12 covered transaction with a person who is suspended, debarred, ineligible,
13 or voluntarily excluded from participation in this transaction, in addition
14 to all remedies available to the Federal Government, the State may pursue
15 available remedies including suspension and/or debarment.

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18 **C. CERTIFICATION OF CONTRACTOR REGARDING DEBARMENT,**
19 **SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION**
20 **– PRIMARY COVERED TRANSACTION**
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22 **(Third Party Contracts Over \$100,000).**

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24 1. The prospective Contractor hereby certifies, by submission of this bid /
25 proposal, that neither it nor its “principals” (as defined in 49 CFR. §29.105
26 (p) is presently debarred, suspended, proposed for debarment, declared
27 ineligible, or voluntarily excluded from participation in this transaction by
28 any Federal department or agency.

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30 2. When the prospective Contractor is unable to certify to any of the
31 statements in this certification, such prospective Contractor shall attach an
32 explanation to this bid / proposal.
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34 The prospective Contractor certifies or affirms the truthfulness and accuracy of each
35 statement of its certifications and disclosure (if any). In addition, the prospective
36 Contractor understands and agrees that the provisions of 31 U.S.C. A 3801, et seq., apply
37 to these certifications and disclosure (if any).
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**D. CERTIFICATION OF SUBCONTRACTOR REGARDING
DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY
MATTERS**

(Third Party Contracts Over \$100,000).

1. **By signing and submitting a bid / proposal, for this project, the prospective lower tier participant is providing the certification set out below.**
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the State may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the State if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "persons," "lower tier covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549 [49 CFR Part 29]. You may contact the State for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this bid/proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized in writing by the State.
6. The prospective lower tier participant further agrees by submitting this bid/proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction", without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not

debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List issued by U.S. General Service Administration.

8. Nothing contained in the foregoing shall be construed to require establishment of system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under Paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to all remedies available to the Federal Government, the State may pursue available remedies including suspension and/or debarment.

E. CERTIFICATION OF SUBCONTRACTOR REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION

– LOWER TIER COVERED TRANSACTION

(Third Party Contracts Over \$100,000).

1. The prospective lower tier participant hereby certifies, by submission of this bid / proposal, that neither it nor its “principals” (as defined in 49 CFR. §29.105 (p) is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. When the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective lower tier participant shall attach an explanation to this bid / proposal.

1 The subcontractor certifies or affirms the truthfulness and accuracy of each statement of
2 its certifications and disclosure (if any). In addition, the subcontractor understands and
3 agrees that the provisions of 31 U.S.C. A 3801, et seq., apply to these certifications and
4 disclosure (if any).

(END)